



General Assembly

**Substitute Bill No. 5269**

February Session, 2010

\* \_\_\_\_HB05269PD\_\_\_\_032310\_\_\_\_ \*

**AN ACT CONCERNING INTEREST ON DELINQUENT PROPERTY TAXES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 12-146 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2011, and*  
3 *applicable to assessment years commencing on or after said date*):

4 Unless the context otherwise requires, wherever used in this section,  
5 "tax" includes each property tax and each installment and part thereof  
6 due to a municipality as it may have been increased by interest, fees  
7 and charges. If any tax due in a single installment or if any installment  
8 of any tax due in two or more installments is not paid in full (1) on or  
9 before the first day of the month next succeeding the month in which it  
10 became due and payable, or if not due and payable on the first day of  
11 the month, (2) on or before the same date of the next succeeding month  
12 corresponding to that of the month on which it became due and  
13 payable, the whole or such part of such installment as is unpaid shall  
14 thereupon be delinquent and shall be subject to interest from the due  
15 date of such delinquent installment. Except for unpaid real estate taxes  
16 the collection of which was, or is, deferred under the provisions of  
17 section 12-174, and any predecessor and successor thereto, which  
18 unpaid real estate taxes continue to be subject to the provisions of such  
19 deferred collection statutes, the delinquent portion of the principal of

20 any tax shall be subject to interest at the rate of [eighteen] twelve per  
21 cent per annum from the time when it became due and payable until  
22 the same is paid, subject to a minimum interest charge of two dollars  
23 which any municipality, by vote of its legislative body, may elect not  
24 to impose, and provided, in any computation of such interest, under  
25 any provision of this section, each fractional part of a month in which  
26 any portion of the principal of such tax remains unpaid shall be  
27 considered to be equivalent to a whole month. Each addition of  
28 interest shall become, and shall be collectible as, a part of such tax.  
29 Interest shall accrue at said rate until payment of such taxes due  
30 notwithstanding the entry of any judgment in favor of the  
31 municipality against the taxpayer or the property of the taxpayer.  
32 Except as hereinafter specified for taxes representing two or more  
33 items of property, the collector shall not receive any partial payment of  
34 a delinquent tax which is less than the total accrued interest on the  
35 principal of such tax up to the date of payment and shall apply each  
36 partial payment to the wiping out of such interest before making any  
37 application thereof to the reduction of such principal; provided,  
38 whenever the first partial payment is made after delinquency, interest  
39 from the due date of such delinquent tax to the date of such partial  
40 payment shall be figured on the whole or such part of the principal of  
41 such tax as is unpaid at the beginning of delinquency and provided,  
42 whenever a subsequent partial payment of such tax is made, interest  
43 shall be figured from the date of payment of the last-preceding, to the  
44 date of payment of such subsequent, partial payment on the whole or  
45 such balance of the principal of such tax as remains unpaid on the date  
46 of the last-preceding partial payment. If any tax, at the time of  
47 assessment or because of a subsequent division, represents two or  
48 more items of property, the collector may receive payment in full of  
49 such part of the principal and interest of such tax as represents one or  
50 more of such items, even though interest in full on the entire amount  
51 of the principal of such tax has not been received up to the date of such  
52 payment; in which event, interest on the remaining portion of the  
53 principal of any such tax shall be computed, as the case may be, from  
54 the due date of such tax if no other payment after delinquency has

55 been made or from the last date of payment of interest in full on the  
56 whole amount or unpaid balance of the principal of such delinquent  
57 tax if previous payment of interest has been made. Each collector shall  
58 keep a separate account of such interest and the time when the same  
59 has been received and shall pay over the same to the treasurer of the  
60 municipality of the collector as a part of such tax. No tax or installment  
61 thereof shall be construed to be delinquent under the provisions of this  
62 section if the envelope containing the amount due as such tax or  
63 installment, as received by the tax collector of the municipality to  
64 which such tax is payable, bears a postmark showing a date within the  
65 time allowed by statute for the payment of such tax or installment.  
66 Any municipality may, by vote of its legislative body, require that any  
67 delinquent property taxes applicable with respect to a motor vehicle  
68 shall be paid only in cash or by certified check or money order. Any  
69 municipality adopting such requirement may provide that such  
70 requirement shall only be applicable to delinquency exceeding a  
71 certain period in duration as determined by such municipality. Any  
72 municipality shall waive all or a portion of the interest due and  
73 payable under this section on a delinquent tax with respect to a  
74 taxpayer who has received compensation under chapter 968 as a crime  
75 victim.

76 Sec. 2. Section 12-145 of the general statutes is repealed and the  
77 following is substituted in lieu thereof (*Effective October 1, 2010, and*  
78 *applicable to assessment years commencing on or after said date*):

79 The tax collector of each municipality shall, at least five days next  
80 preceding the time when each tax becomes due and payable, give  
81 notice of the time and place at which the tax collector will receive such  
82 tax by advertising in a newspaper published in such municipality or, if  
83 no newspaper is published in such municipality, by advertising in any  
84 newspaper of the state having a general circulation in such  
85 municipality and by posting such notice on a signpost therein, if any,  
86 otherwise on a signpost in the town within which such municipality is  
87 situated, if any, or at some other exterior place near the office of the

88 town clerk. The tax collector shall repeat such advertising within one  
 89 week after such tax has become due and payable and, again, at least  
 90 five days before such tax becomes delinquent. Each such notice shall  
 91 give each date on which such tax shall become due and payable and  
 92 each date on which such tax shall become delinquent, and shall state  
 93 that, as soon as such tax becomes delinquent, it shall be subject to  
 94 interest at the rate of one and [one-half] one-quarter per cent of such  
 95 tax for each month or fraction thereof which elapses from the time  
 96 when such tax becomes due and payable until the same is paid. The  
 97 tax collector of a municipality may waive the interest on delinquent  
 98 property taxes if the tax collector and the assessor, jointly, determine  
 99 that the delinquency is attributable to an error by the tax assessor or  
 100 tax collector and is not the result of any action or failure on the part of  
 101 the taxpayer. The tax collector shall notify the taxing authority of the  
 102 municipality of all waivers granted pursuant to this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011, and applicable to assessment years commencing on or after said date</i>	12-146
Sec. 2	<i>October 1, 2010, and applicable to assessment years commencing on or after said date</i>	12-145

**PD**      *Joint Favorable Subst.*